

REMARKS

This is intended as a full and complete response to the Final Office Action dated February 10, 2004, having a shortened statutory period for response set to expire on May 10, 2004. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-29 are pending in the application. Claims 1-29 remain pending following entry of this response. Claim 22 has been amended.

Claims 1-29 stand rejected under 35 U.S.C. 102(e) as being anticipated by *Carino, Jr.* (US 6,353,818). Applicants respectfully traverse the rejections.

The rejected claims are directed to "selectively logging query implementation information of a query." (See, e.g., claim 1; emphasis added.) Accordingly, each claim recites some conditional language regarding whether or not query implementation information will be logged for a given query. For example, Claim 1 recites "determining whether query implementation information should be logged for the query". *Carino* does not recite such a step.

Carino discloses a method of optimizing database queries with user-defined functions is disclosed. The Examiner asserts that "determining whether query implementation information should be logged for the query" is disclosed by *Carino* in the Abstract, Fig. 2, and 6:24-67. Applicants respectfully disagree. At best, the cited materials disclose tracking various resources in the invocation of user-defined functions (UDFs) for the purpose of building statistics/demographics. *Carino* defines UDFs as predicate conditions of a query, not a query itself. (See, e.g., col. 2, lines 33-36 and col. 4, lines 50-57). This definitional fact alone makes the rejection improper under 35 U.S.C. 102(e), which requires that each element be disclosed by the reference. Equally significant, the cited passages of *Carino* teach indiscriminate tracking and in no way teach, show or suggest a conditional step of determining whether to track or log any kind of information at all. In summary, the portion of *Carino* cited by the Examiner referring to tracking is not directed to a query and does not disclose conditionally logging of any kind. Accordingly, the claims are believed to be allowable and Applicants respectfully request allowance of the same.

Therefore, the claims are believed to be allowable and allowance of the same is respectfully requested.

Because Applicants believe the base claims are allowable, it follows that the respective dependent claims are also allowable. Accordingly, a detailed discussion of the dependent claims is not necessary. However, with respect to a number of the dependent claims Applicants were unable to identify any basis for the rejection in the cited passages. For example, the Examiner rejects Claims 2, 15 and 25 on the basis of Abstract, Fig. 2, and 6:24-67. However, no mention of query monitoring is made in any of these passages. Further, the distinction between logging and monitoring is not recognized in these passages. Further, the Examiner rejects claim 3 on the basis of Abstract, Fig. 2, and 8:20-67. However, no mention of a user-specified value is made in any of these passages. In fact, the threshold value referred to is "derived from the baseline capabilities of the DMBS nodes" and, thus, teaches away from a user-specified value. (8:30-32; emphasis added.) Therefore, the claims are believed to be allowable and allowance of the same is respectfully requested.

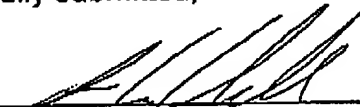
Regarding the Examiner's responses to Applicants' previous Response filed on December 01, 2003, the position of the Examiner is unclear. As his basis for rejection the Examiner initially relies on column 8. In response to the Applicants argument that column 8 does not teach, show or suggest the invention (for the reasons given above) the Examiner refers to column 9, rather than explaining exactly how column 8 is relevant. However, neither cited passage is relevant to the claimed subject matter, and neither passage is related to the another and, as such, is unclear how both passages can be applied as the basis for the same rejection. The Applicants' characterization of column 8 is given above. Column 9 describes a method for pairing an execution plan with an optimal database management system node. Nowhere does column 9 reference any form of logging query execution information. In this regard, Applicants note that, in fact, the Examiner does not argue that column 9 discloses logging query execution information, and instead argues that the passage teaches using runtime optimization which the Examiner deems to be monitoring the query. However, "logging" is precisely the claim language in question. Therefore, it is irrelevant whether using runtime optimization can be deemed disclosing monitoring the query, since the claim

language in question is directed to "logging". Further, using runtime optimization is not appropriately characterized as monitoring the query. *Carino* defines the runtime optimization as "considering selecting the optimal query/DBMS node 104 pairing". (Column 8, lines 62-65.) Accordingly, since the Examiner's response to Applicants' arguments provides no explanation as to why runtime optimization is deemed to be monitoring a query, and further does not address what is actually being claimed (i.e., determining whether to log query implementation information for a query), Applicants submit that the Examiner has not properly rebutted the Applicants' response to rejection. Therefore, Applicants respectfully request that the claims be allowed.

Applicant further notes that the Examiner's reference to *Chaudhri* in the "Response to Arguments" section is improper. Claims 1-29 are only rejected under 35 U.S.C. 102(e) as being anticipated by *Carino*. Accordingly, in this Final Office Action *Chaudhri* is not relied upon under any appropriate statutory provision regarding patentability.

Having addressed all issues set out in the office action, Applicant respectfully submits that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



Gero G. McClellan
Registration No. 44,227
MOSER, PATTERSON & SHERIDAN, L.L.P.
3040 Post Oak Blvd. Suite 1500
Houston, TX 77056
Telephone: (713) 623-4844
Facsimile: (713) 623-4846
Attorney for Applicant(s)